

REMARKS

In section 5 of the Office Action, the Examiner rejected claims 1-19, 22-36, 28-50, and 53-71 under 35 U.S.C. §103(a) as being unpatentable over the Pike patent in view of the Stephens patent.

The Pike patent discloses in Figure 1 a local terminal computer memory 25 and a remote host computer memory 24 interconnected by a data link 23. Interacting computer programs reside in both the host computer 24 and the terminal 25. A communications controller program 13 and a host controller program 12 manage a communications data link 23 as well as multiple processes 10 and 21, respectively, and multiplex their communications into a single stream for transmission on the data link 23.

A layer controller program 19 at the local terminal 25 is responsible for keeping the contents and visibility of each layer correct and current in response to the execution of the layer programs 10 and 21. Each layer is kept up to date, regardless of whether it is currently visible, overlapped, or totally obscured. Users can switch focus to any layer on a screen 18 by clicking on an unobstructed portion of a layer. The images of all of the layers on the screen 18 are recorded in a bit map memory 22.

When a layer is created, a copy of the terminal simulating program 10 is associated with it in the terminal local memory 25, and a separate executing command interpreter program 21 is associated with it on the host computer 24. Thus, each user program is implemented as two cooperating programs, one that runs on the terminal 25 and one that runs on host computer 24, exchanging information via the data link 12.

Figure 2 is a front view of a terminal 30 with a screen 31 depicting three overlapping layers A, B and C as they would actually appear on the screen 31. Layers may overlap, but a set of bitmaps capable of maintaining an image of the obscured portion of a layer is always kept current. Bitmap layer A is the only unobscured layer. Layer B is partially obscured by layer A, while layer C is partially obscured by both layer A and layer B. While an operator can interact with these layers only one-at-a-time, the programs 21 continually update the bitmaps corresponding to these layers, in both the visible and obscured portions.

The Stephens patent discloses an Internet connection 110 in Figure 1. A user that wishes to access information on the Internet typically has a computer workstation 112 that executes a browser 114. The

workstation 112 establishes a communication link 116 with a web server 118. When the user enters a request for information by entering commands in the browser 114, the workstation 112 sends a request for information to the web server 118. If the information is not available on the web server 118, a central link such as a backbone 126 allows the web server 118 to request the information from other web servers 120, 122, 124. The web servers 118, 120, 122, 124 transmit the requested information to the user's computer workstation 112. A display generated by the browser 114 presents the information on the computer workstation 112.

Figure 2 of the Stephens patent shows a notice system 200 that dynamically generates audible notices from an information network. The notice system 200 allows a user to customize delivery of information, provides the information in a speech-synthesized format as well as on the user's workstation display as the information becomes available, plays headline audio for new and noteworthy stories as those stories appear, presents the user with textual (typically HTML-rendered) story headlines, allows the user to select a headline to view the entire story, allows the user to subscribe and

unsubscribe to data sources, and allows the user to set various preferences.

Thus, the user does not have to monitor data sources manually because the notice system 200 presents the headlines in audible format as they become available. Because of the audible headlines, the user does not have to take any action to receive up-to-date news as it appears, nor does the user have to interrupt the user's work to check data sources manually. For example, if a user subscribes to one or more services that provide world news and/or financial data sources, the notice system 200 can be configured to audibly report when the price of one or more specified stocks moves up or down by more than a given percent as the change is published by the stock quote data source. Further, information can be output to the display associated with workstation 112 even when the window for the notice system 200 is not visible on the user's screen. When the user hears a spoken headline of interest, the user can use the display generated by the notice system 200 to access one or more hyperlinks leading to page(s) that contain the full story for the headline.

The notice system 200 also presents this news in text format in a browser window, which need not be

visible when the story arrives. As the data sources post news stories, the notice system 200 announces the headlines.

The notice system 200 includes a text-to-speech engine 208, a sound player 210, a data source monitor 212, and a data source story adapter 214. The text-to-speech engine 208 includes program instructions for synthesizing speech into a standard audio format from textual input, such as markup language.

The notice system 200 allows a user to specify one or more data sources 218, 220, 222 from which to receive information, as well as one or more noteworthiness criteria for selecting stories to be presented to the user. Thus, if a data source has a noteworthiness criterion, the notice system 200 reads a new story from that data source only if the story satisfies the criterion.

The data source monitor 212 polls data sources periodically to check the availability of new stories. The polling schedules can be fairly complex including an adaptive scheduler, which increases the polling frequency with the rate of arrival of new stories. The adaptive scheduler reduces the polling rate as the rate of arrival of new stories decreases.

Independent claim 1 is directed to a method, performed at a content recipient, of executing first program code at the content recipient so as to receive content from a content provider, executing second program code at the content recipient so as to display the content behind a session if the session is active, and executing third program code so as to display a notifier indicating that the content is available for display.

The Examiner asserts that the Pike patent discloses a notifier in Figures 2 and 3, in column 3, lines 35-39, and in column 2, lines 3-11.

The Examiner did not specifically point out a notifier in Figure 2. Therefore, it is difficult for applicants to understand what in Figure 2 is a notifier.

Figure 2 has a monitor that displays layers. However, none of the layers notify the user of anything. The layers may contain content, but they are not used as a notifier of any variety, much less a notifier that notifies a user that content received from a content provider is ready for viewing.

Figure 3 shows an example of bitmaps corresponding to overlapping layers A and B. Layer A is a top layer 40, and layer B is a layer 41 below the top layer 40. A portion 42 of the layer 41 is obscured by

the top layer 40. A partial bitmap 44 stores the obscured portion 42 and is linked by a pointer 43 to the bitmap storing the layer 41.

The non-obscured portions of the layers 40 and 41 are not notifiers but are rather the "content" as that term is used by the Examiner.

The bitmap 44 and the pointer 43 are not notifiers. Indeed, they are not displayed, but merely are representations of the memory that stores the obscured portion 42 in relation to the layer 41.

The obscured portion 42 is not a notifier because it is not displayed and it is merely "content" as that term is used by the Examiner.

Column 3, lines 35-39 merely state that clicking the mouse causes the display of a command menu and that users can switch their focus to any layer by clicking on that layer. There is no disclosure that the menu includes a notifier, and changing layers is simply changing the layering of the "content." There is no disclosure here of a notifier.

Column 2, lines 3-11 merely state that a user can only operate in one layer at a time, that other layers are still visible on the screen, though perhaps partially obscured, and that the obscured portions of

layers have complete bitmaps associated therewith to maintain a current view of the layer. As can be seen, this portion of the Pike patent may arguably describe "content" but does not describe a notifier.

The Stephens patent likewise does not disclose the notifier of independent claim 1.

In the office action, the Examiner states that the Stephens patent, at column 7, lines 5-60, discloses a notifier that indicates that content is available for display, and that the Stephens patent, at column 6, lines 17-35, discloses that content is displayed at a content recipient behind a session.

The Examiner appears to be arguing in connection with lines 5-60 of column 7 of the Stephens patent that received headlines are played audibly, that the text of these headlines are presented to the user, and that the user can select any of the headline to view the full story.

However, one of ordinary skill in the art will recognize that the Stephens patent does not really disclose a notifier, at least in the context of independent claim 1.

For example, if it is the position of the Examiner that a headline is content, then the Stephens



patent merely displays this content audibly and visibly. That is, when a headline is received, it is immediately converted to speech or audio and audibly displayed to the user. At the same time, the headline is presented to the user textually. When the content is audibly presented to the user upon receipt of the headline, there is no need for a notifier because the content is already displayed and a notifier would not provide any needed functionality.

Moreover, there is no disclosure here that the headlines are displayed behind a session if the session is active.

On the other hand, if it is the position of the Examiner that the story associated with the headline is content, there is no disclosure here the headline notifies the user that that the story has been received, is displayed behind a session if the session is active, and is ready for viewing. Indeed, the story is not received at all until the user clicks on the headline text. Hence, there is no need for the notifier recited in independent claim 1.

Indeed, the notice that is the subject of the Stephens patent is not that content has been received, is being displayed behind an active session, and is

available for viewing, but rather that there is a full story that can be retrieved by the user if desired. Such a notice does meet the notifier limitation of independent claim 1.

Recognizing that this portion of the Stephens patent does not disclose receiving and displaying content behind a session if the session is active, the Examiner cites column 6, lines 17-35 of the Stephens patent. This portion of the Stephens patent discloses (i) that a main memory 136 includes an operating system, a configuration file, and one or more application programs with related program data, (ii) that application programs can output their results as program data in the main memory 136 or to one or more mass storage devices through a memory controller and a storage device controller 138, (iii) that a CPU 132 executes one or more programs to establish a connection to a computer network through network interface 140, (iv) that application programs may be embodied in one executable module or may be a collection of routines that are executed as required, (v) that operating systems use windows to present information, (vi) that each application program has its own window that is generated when the application program is executing, and (vii) that each window may be minimized to

an icon, maximized to fill the display, overlaid in front of other windows, and underlaid behind other windows.

As can be seen, there is no disclosure here of receiving content and displaying it behind a session if the session is active as required by independent claim 1.

In the Examiner's response to applicants' prior amendment, the Examiner failed to designate which element disclosed in either the Pike patent or the Stephens patent is a notifier and which element is content. The Examiner instead discusses these concepts abstractly. However, when the Pike patent and the Stephens patent are analyzed concretely by considering which of their disclosed elements can be notifiers and which can be content within the context of the provisions of independent claim 1, it can be seen that these references in combination or alone would not have disclosed or suggested the invention of independent claim 1 to one of ordinary skill in the art.

As discussed above, the Pike patent does not disclose a notifier at all. In the Stephens patent, if the content is the headline, then there really is no notifier because the system displays (audibly) the headline to the user without the need for a notifier. If the content is the story, then the audibly reproduced

headline might be considered by the Examiner to be a notifier; however, in this case, the notifier does not notify the user that the content has been received and is being displayed behind an active session.

Accordingly, as discussed above, the Pike patent does not disclose a notifier that indicates that content behind a session is available for viewing, and the Stephens patent similarly does not disclose, as discussed above, a notifier as defined in independent claim 1. Because neither the Pike patent nor the Stephens patent discloses a notifier that indicates that content behind a session is available for viewing, the combination of the Pike patent and the Stephens patent would not have led one of ordinary skill in the art to the invention of independent claim 1.

For this reason, independent claim 1 is not obvious over the Pike patent in view of the Stephens patent.

Independent claim 7 is directed to a method performed at a content recipient in which content is received at a content recipient from a content provider, in which the received content is displayed at the content recipient the content behind a session if the session is active, and in which the content at the content recipient

is visibly displayed to a user by automatically burning the content through the session.

The Examiner purports to interpret "burn through" broadly in light of the specification. However, applicants do not understand. If "burn through" is interpreted consistently with the specification, then it must be interpreted to mean that content obscured by an upper layer may be viewed without changing the layering.

Indeed, the present application discloses clearly that "newly posted content in the form of the note 22 is displayed on a content recipient's network enabled device within a burn through of the active session 88. Alternatively, instead of burning the note 22 through the active session 88, the note 22 may simply be displayed as a top layer having the focus." In other words, burning through is distinguished from merely changing the layers.

As can be seen, the Pike patent and the Stephens patent at most disclose only the changing of layers. They do not disclose or suggest burn through.

For this reason, independent claim 7 is not obvious over the Pike patent in view of the Stephens patent.

Independent claim 30 is directed to a computer readable storage medium that stores program code which, when executed by a computing device, automatically initiates a request to receive content from a content provider, receives the content from the content provider in response to the request, displays the content behind a session if the session is active.

The Examiner did not specify which elements disclosed in the Pike patent and the Stephens patent meet the limitations of independent claim 30. However, it is noted that the Pike patent does not disclose automatically requesting and receiving content and displaying this content behind a session if the session is active, as required by independent claim 30.

In connection with the Stephens patent, the Examiner might argue that a headline is the content of independent claim 30. However, a headline is not displayed behind an active session. Instead, a headline is converted to an audible headline which is played for the user upon receipt.

The Examiner might alternatively argue that the story is the content of independent claim 30. However, the story is not automatically requested, received, and displayed.

Accordingly, because neither the Pike patent nor the Stephens patent discloses these features of independent claim 30, the combination of the Pike patent and the Stephens patent would not have led one of ordinary skill in the art to the invention of independent claim 30.

For this reason, independent claim 30 is not obvious over the Pike patent in view of the Stephens patent.

Moreover, neither the Pike patent nor the Stephens patent suggests a combination to one of ordinary skill in the art that would meet the limitations of independent claim 30. Assuming that the Pike patent discloses receiving and displaying content behind an active session, then the Stephens patent is the antithesis of the Pike patent because the Stephens patent extols the virtue of displaying the content (audible headline) over an active session as soon as it is received. Thus, the Stephens patent suggests that received content should not be displaying behind an active session and, therefore, suggests the opposite of independent claim 30. Accordingly, the Stephens patent suggests that it not be combined with the Pike patent so as to meet independent claim 30.

For this reason also, independent claim 30 is not obvious over the Pike patent in view of the Stephens patent.

Independent claim 59 is directed to a method of executing first program code at a content provider so as to post content for access by a content recipient, and executing second program code at the content recipient so as to automatically (i) access the content provider, (ii) initiate receipt by the content recipient of the posted content, (iii) receive the posted content, and (iv) display the posted content behind a session if the session is active.

The Examiner did not specify which elements disclosed in the Pike patent and the Stephens patent meet the limitations of independent claim 59.

However, it is noted that the Pike patent does not disclose automatically accessing the content provider, automatically initiating receipt by the content recipient of the posted content, automatically receiving the posted content, and automatically displaying the posted content behind a session if the session is active, as required by independent claim 59.

In connection with the Stephens patent, the Examiner might argue that a headline is the content of



independent claim 30. However, a headline is not automatically displayed behind an active session. Instead, a headline is converted to an audible headline which is played for the user upon receipt.

In connection with the Stephens patent, the Examiner might alternatively argue that the story is the content of independent claim 59. However, the story is not automatically requested, received, and displayed.

Accordingly, because neither the Pike patent nor the Stephens patent discloses these features of independent claim 59, the combination of the Pike patent and the Stephens patent would not have led one of ordinary skill in the art to the invention of independent claim 59.

For this reason, independent claim 59 is not obvious over the Pike patent in view of the Stephens patent.

Moreover, as discussed above in connection with independent claim 30, the Stephens patent suggests that it not be combined with the Pike patent so as to meet independent claim 59.

For this reason also, independent claim 59 is not obvious over the Pike patent in view of the Stephens patent.

Because independent claims 1, 30, and 59 are not obvious over the Pike patent in view of the Stephens patent, dependent claims 2-19, 22-26, 28, ,29, 31-50, 53-58, and 60-71 are not obvious over the Pike patent in view of the Stephens patent.

In section 6 of the Office Action, the Examiner rejected claims 20, 21, 51, and 52 under 35 U.S.C. §103(a) as being obvious over the Pike patent in view of the Stephens patent and further in view of the Ng patent.

The Ng patent does not make up for the deficiencies of the Pike patent and the Stephens patent.

Therefore, independent claims 1 and 30 are not obvious over the Pike patent in view of the Stephens patent and further in view of the Ng patent. Because independent claim 1 and 30 are not obvious over the Pike patent in view of the Stephens patent and further in view of the Ng patent, dependent 20, 21, 51, and 52 likewise are not obvious over the Pike patent in view of the Stephens patent and further in view of the Ng patent.

Newly added independent claim 72 is directed to program code stored on a computer readable memory. When the program code is executed, a note is received from a content provider and is displayed behind a session if the session is active. The note is attached to a web page of

the content provider, the note contains content, and the note is received without receiving the web page.

None of the references applied by the Examiner discloses or suggests receiving a note from a content provider and displaying the note behind a session if the session is active, where the note is attached to a web page of the content provider, the note contains content, and the note is received without receiving the web page

Accordingly, the applied references cannot be combined so as to meet independent claim 72.

For this reason, independent claim 72 is not obvious over the applied references.

Newly added independent claim 72 is directed to program code stored on a computer readable memory. When the program code is executed, a note is received from a content provider and is displayed behind a session if the session is active. The note contains content, and the note has a property of automatic attachment.

None of the references applied by the Examiner discloses or suggests receiving a note from a content provider and displaying the note behind a session if the session is active, where the note contains content and the note has a property of automatic attachment.

Accordingly, the applied references cannot be combined so as to meet independent claim 74.

For this reason, independent claim 74 is not obvious over the applied references.

Newly added independent claim 76 is directed to program code stored on a computer readable memory. When the program code is executed, a note is received from a content provider and is displayed behind a session if the session is active. The note contains content, and the note has a title bar, menu button, and a display area.

None of the references applied by the Examiner discloses or suggests receiving a note from a content provider and displaying the note behind a session if the session is active, where the note contains content and the note has a title bar, menu button, and a display area.

Accordingly, the applied references cannot be combined so as to meet independent claim 76.

For this reason, independent claim 76 is not obvious over the applied references.

CONCLUSION

In view of the above, it is clear that the claims of the present application patentably distinguish over the art applied by the Examiner. Accordingly, allowance of these claims and issuance of the above captioned patent application are respectfully requested.

Respectfully submitted,

SCHIFF HARDIN LLP  
6600 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606  
(312) 258-5500

By: 

Trevor B. Joike  
Registration No.: 25,542  
Attorney for Applicants

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